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10/091,905	03/04/2002	Edward L. Reuss	18864-06267	9184

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EXAMINER
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MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,905

Applicant(s)

REUSS, EDWARD L.

Examiner

Michael J. Moore, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 33-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims **1-32** in the reply filed on 10/13/06 is acknowledged. Therefore, claims **33-42** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. It is requested that Applicant cancel nonelected claims **33-42**.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 5/14/03 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

### ***Claim Objections***

3. Claims **1, 7, 8, 10-14, 18-20, and 28-30** are objected to because of the following informalities:

Regarding claims **1, 7, 8, 10-14, 18-20, and 28-30**, an objection is made to the use of the phrase "adapted to" in each of these claims. This phrase constitutes optional language that does not further limit these claims. See MPEP 2106, II, C.

Regarding claim **20**, an objection is made to the phrase "the assembly of claim 19" as "an assembly" is not provided in claim **19**. It is believed that this should read "the call center of claim 19".

Regarding claims **29 and 30**, the phrase "management task" is repeated twice on line 2 of each of these claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Weaver et al. (U.S. 2003/0145075) (hereinafter "Weaver"). *Weaver* teaches all of the limitations of the specified claims with the reasoning that follows.

Regarding claim **1**, "a call center or office telephony asset for being managed over a network by a remote system" is anticipated by the cable modems 122 (assets) that are managed remotely by a regional data center 114 (remote system) containing a network management tool 140 as shown in Figure 1 and spoken of on page 3, paragraphs 38-40.

"A memory storing an electronic identifier mappable to a network address" is anticipated by the cable modem 122 (memory) that has a respective MAC address (electronic identifier) and that is assigned an associated IP address (network address) as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

"A network connection adapted to communicate with a network" is anticipated by the cable modems 122 that have a connection (network connection) with access network 108 (network) of Figure 1.

"A network interface communicatively coupled to the network connection, the network interface adapted to communicate over the network with the remote system using the network address" is anticipated by cable modems 122 (network interface) that communicate with regional data center 114 (remote system) via access network 108 (network) using assigned IP addresses (network addresses) as spoken of on page 1, paragraph 8 as well as page 3, paragraph 40.

Lastly, "wherein the asset is at least one member selected from the group consisting of: a headset, a component associated with a headset, and a device adapted to operatively couple to a headset" is anticipated by the cable modems 122 (device) shown in Figure 1.

Regarding claim 2, "wherein the asset comprises at least one member selected from the group consisting of: a headset, a headset adapter, an on-line indicator (OLI), and a handset lifter" is anticipated by the cable modems 122 (on-line indicator) shown in Figure 1.

Regarding claim 3, "wherein the asset comprises at least one member selected from the group consisting of: a headset adapter, an on-line indicator (OLI), and a handset lifter" is anticipated by the cable modems 122 (on-line indicator) shown in Figure 1.

Regarding claim 4, "wherein the electronic identifier is a Media Access Control (MAC) address" is anticipated by the cable modem 122 that has a respective MAC address (electronic identifier) and that is assigned an associated IP address as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

Regarding claim 5, "wherein the network address is an IP address" is anticipated by the cable modem 122 that has a respective MAC address and that is assigned an associated IP address (network address) as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

Regarding claim 6, "wherein the network address is globally unique" is anticipated by the cable modem 122 that has a respective MAC address and that is assigned an associated IP address (globally unique network address) as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

Regarding claim 7, "wherein the network interface is adapted to communicate over the network using the Internet Protocol" is anticipated by the cable modems 122 that are assigned IP addresses by DHCP server 132 and communicate with regional data center 114 via IP network 102.

Regarding claim 8, "a call center or office telephony asset assembly for being managed over a network by a remote system" is anticipated by the cable communication system 100 shown in Figure 1.

"An asset having an electronic identifier stored therein, the electronic identifier mappable to a network address" is anticipated by the cable modem 122 (asset) that has a respective MAC address (electronic identifier) and that is assigned an associated IP address (network address) as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

"A network interface communicatively coupled to the asset and adapted to communicatively couple with the remote system over a network using the network

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address” is anticipated by cable modems 122 (network interface) that communicate with regional data center 114 (remote system) via access network 108 (network) using assigned IP addresses (network addresses) as spoken of on page 1, paragraph 8 as well as page 3, paragraph 40.

Lastly, “a management module, the management module operatively coupled to the asset for performing a management task thereon” is anticipated by network management tool 140 of Figure 1 that is a cable modem remote diagnostics tool for conducting diagnostics and troubleshooting of different customer issues as spoken of on page 4, paragraph 45.

Regarding claim 9, “wherein the electronic identifier is a Media Access Control (MAC) address” is anticipated by the cable modem 122 that has a respective MAC address (electronic identifier) and that is assigned an associated IP address as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

Regarding claim 10, “wherein the network interface is adapted to communicate over the network using the Internet Protocol” is anticipated by the cable modems 122 that are assigned IP addresses by DHCP server 132 and communicate with regional data center 114 via IP network 102.

Regarding claim 11, “wherein the asset is a headset or is adapted to operatively couple to a headset” is anticipated by the cable modems 122 (asset) shown in Figure 1.

Regarding claim 12, “a call center or office telephony asset assembly for being managed over a network by a remote system” is anticipated by the cable communication system 100 shown in Figure 1.

"An asset" is anticipated by the cable modems 122 (assets) of Figure 1.

"A proxy device operatively coupled to the asset, the proxy device having a network interface adapted to assign a network address for the asset and communicatively couple with the remote system over a network using the network address" is anticipated by DHCP server 132 (proxy device) of Figure 1 coupled to cable modems 122 (assets) as well as regional data center 114 (remote system) that automatically assigns IP addresses (network address) to the cable modems as spoken of on page 2, paragraph 29.

Lastly, "a management module, the management module operatively coupled to the asset for performing a management task thereon" is anticipated by network management tool 140 (module) of Figure 1 that is a cable modem remote diagnostics tool for conducting diagnostics and troubleshooting of different customer issues as spoken of on page 4, paragraph 45.

Regarding claim 13, "wherein the asset is a headset or is adapted to operatively couple to a headset" is anticipated by the cable modems 122 (asset) shown in Figure 1.

Regarding claim 14, "wherein the asset has an electronic identifier, and the network interface is adapted to determine the network address of the asset using the asset's electronic identifier" is anticipated by the cable modem 122 that has a respective MAC address (electronic identifier) and that is assigned an associated IP address as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

Regarding claim 15, "wherein the electronic identifier is a Media Access Control (MAC) address" is anticipated by the cable modem 122 that has a respective MAC



address (electronic identifier) and that is assigned an associated IP address as spoken of on page 2, paragraph 29 as well as page 3, paragraph 40.

Regarding claim **16**, "wherein the management module is located in the proxy device" is anticipated by network management tool 140 of Figure 1.

Regarding claim **17**, "wherein the proxy device is a second call center or office telephony asset" is anticipated by DHCP server 132 (asset) of Figure 1.

Regarding claim **18**, "wherein the network interface is adapted to communicate over the network using the Internet Protocol" is anticipated by the cable modems 122 that are assigned IP addresses by DHCP server 132 and communicate with regional data center 114 via IP network 102.

Regarding claim **19**, "a call center" is anticipated by the cable communication system 100 (call center) shown in Figure 1.

"A plurality of call center assets" is anticipated by the cable modems 122 (assets) shown in Figure 1.

"A plurality of network interfaces, each network interface associated with at least one asset and adapted to communicate over a network for the asset" is anticipated by cable modems 122 (network interfaces) that communicate with regional data center 114 via access network 108 (network) using assigned IP addresses as spoken of on page 1, paragraph 8 as well as page 3, paragraph 40.

Lastly, "a central management system adapted to communicate with the network interfaces over the network to perform at least one management task related to the assets" is anticipated by is anticipated by network management tool 140 (management

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system) of Figure 1 that is a cable modem remote diagnostics tool for conducting diagnostics and troubleshooting of different customer issues as spoken of on page 4, paragraph 45.

Regarding claim **20**, “wherein each of the plurality of call center assets is a headset or is adapted to operatively couple to a headset” is anticipated by the cable modems 122 (assets) shown in Figure 1.

Regarding claim **21**, “wherein a network interface is associated with two or more assets” is anticipated by cable modems 122 coupled via access network 108 of Figure 1.

Regarding claim **22**, “wherein at least one of the assets comprises the network interface associated therewith” is anticipated by the cable modems 122 (assets) shown in Figure 1.

Regarding claim **23**, “at least one proxy device, the proxy device comprising a network interface associated with at least one asset” is anticipated by DHCP server 132 (proxy device) coupled to cable modems 122 of Figure 1.

Regarding claims **24-27**, where the management task comprises tracking utilization, location, diagnostic information, and providing software and firmware updates is anticipated by the network management tool 140 of Figure 1 that monitors and provides a viewable interface 400 of cable modem diagnostic data as shown in Figure 4.

Regarding claim **28**, “a proxy device to facilitate the management of a call center or office telephony asset by a remote system” is anticipated by DHCP server 132 (proxy device) of Figure 1.

“A network interface adapted to communicatively couple to the remote system over a network, the network interface further adapted to assign an identifier to the asset, the identifier being mappable to a globally unique network address associated with the asset” is anticipated by DHCP server 132 (network interface) of Figure 1 coupled to cable modems 122 (assets) as well as regional data center 114 (remote system) that automatically assigns IP addresses (network address) to the cable modems as spoken of on page 2, paragraph 29.

“A management module communicatively coupled to the network interface, the management module adapted to facilitate a management task for the asset in response to receiving a management instruction communication from the remote system that is associated with the asset’s globally unique network address” is anticipated by network management tool 140 (module) of Figure 1 that is a cable modem remote diagnostics tool for conducting diagnostics and troubleshooting of different customer issues as spoken of on page 4, paragraph 45.

Regarding claim **29**, “wherein the management module is adapted to facilitate a management task by forwarding the management instruction to the asset” is anticipated by network management tool 140 that polls (instruction) each CMTS for status, IP address, and MAC address information as spoken of on page 3, paragraph 40.

Regarding claim **30**, “wherein the management module is adapted to facilitate a management task by transmitting operational information regarding the asset to the remote system” is anticipated by the network management tool 140 of Figure 1 that monitors and provides a viewable interface 400 of cable modem diagnostic data as shown in Figure 4.

Regarding claim **31**, “determining a network address for the asset using an electronic identifier and using the network address to communicate with a remote system over a network” is anticipated by network management tool 140 (remote system) of Figure 1 that converts the MAC address (electronic identifier) of a cable modem to the corresponding IP address (network address) to perform diagnostics as spoken of on page 6, paragraph 63.

Regarding claim **32**, “wherein determining the network address comprises using a Media Access Control (MAC) address associated with the asset” is anticipated by network management tool 140 (remote system) of Figure 1 that converts the MAC address (electronic identifier) of a cable modem to the corresponding IP address (network address) to perform diagnostics as spoken of on page 6, paragraph 63.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McDuff et al. (U.S. 6,490,350), Forsythe et al. (U.S. 6,574,331), Szlam (U.S. 6,359,892), Swales (U.S. 6,982,953), Greenberg (U.S. 6,791,974), Coussement (U.S. 2002/0114441), and Ezerzer et al. (U.S. 6,697,858) are other references considered pertinent to this application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:00am - 4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Moore, Jr.  
Examiner  
Art Unit 2616

mjm MM

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